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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,578	02/07/2001	Aloke Gupta	10002473-4	5247

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EXAMINER

WALLERSON, MARK E

ART UNIT PAPER NUMBER

2625

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/762,578

Applicant(s)

GUPTA ET AL.

Examiner

Mark E. Wallerson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-5, 10-24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-5, 10-24 and 26-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**Part III DETAILED ACTION**

***Notice to Applicant(s)***

1. This action is responsive to the following communications: Amendment filed on **2/15/2006**.
2. This application has been reconsidered. Claims 1-5, 10-24, and 26-28 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klug (U.S. 6,591,245) in view of Salisbury et al (Salisbury) (U.S. 6,397,231) and van Zee et al (van Zee) (U.S. 6,972,861).

With respect to claims 1, 15, 16, 21, 22, 24, and 27, Klug discloses a system (100) comprising: a plurality of content providers (110) coupled to a network (108) and one or more publication agents (102, 104, 106), coupled to the network (108), to issue one or more requests for content objects from select content providers (column 4, lines 44-54) according to a publication schedule denoted in a publication profile (column 4, lines 44-54), wherein time sensitive material is requested immediately prior to publication (which reads on receiving media

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content notification on a daily, weekly or other basis) (column 2, lines 50-61 and column 5, lines 48-56), and after content objects that are unlikely to change over a set period of time (column 4, line 55 to column 5, line 10), and at least one virtual sensor that covertly provides the system with feedback as to the receipt of the content objects and feedback on which of the content objects are of interest to a particular user (column 5, lines 1-67).

Klug differs from claims 1, 15, 16, 21, and 22 in that he does not clearly disclose a formatting engine coupled to the network to receive content objects from the content providers and dynamically compile the publication, wherein the initial formatting of the retrieved content is based on preferences in the publication profile.

Salisbury discloses a document retrieval and publication system comprising a formatting engine coupled to the network (which reads on the bit provider) (column 7, lines 35-41 and lines 57-65 and column 11, lines 26-34) to receive content objects from the content providers and dynamically compile the publication (column 7, lines 35-65), wherein the initial formatting of the retrieved content is based on preferences in the publication profile (column 16, lines 27-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Klug to include a formatting engine coupled to the network to receive content objects from the content providers and dynamically compile the publication, wherein the initial formatting of the retrieved content is based on preferences in the publication profile. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Klug by the teaching of Salisbury in order to provide a unified manner of receiving content and achieve flexibility in the document management as disclosed by Salisbury in column 14, lines 53-55.

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Klug also differs from claims 1 and 22 in that he does not clearly disclose the time sensitive material is requested immediately prior to a scheduled publication.

Van Zee discloses a content handling system in which time sensitive content objects are requested immediately prior to a scheduled publication (column 5, line 57 to column 6, line 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Klug as modified wherein time sensitive material is requested immediately prior to a scheduled publication. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Klug as modified by the teaching of van Zee in order to ensure that the user receives the information in a timely manner.

With regard to claims 2 and 23, Klug discloses the publication denotes a time for publication (column 4, lines 64-67 and column 5, lines 48-56).

With respect to claim 3, Klug discloses a publication location (column 4, lines 31-43).

With regard to claim 4, Klug discloses the publication profile denotes a time for publication, where to send the content objects and the requested format and type of content requested (column 5, lines 48-56 and column 4, lines 31-43).

With respect to claim 5, Klug discloses types of content objects requested include media types audio content, video content, graphical content, textual content (column 5, lines 48-56 and column 1, lines 23-50).

With regard to claims 19, 20, and 28, Klug discloses the publication agents cache responses to content object requests to satisfy subsequent publication profiles requesting similar content objects (figures 10 and 11).

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With regard to claims 10, 12, 13, 14, 15, 16, 17, 18, and 26, Klug differs from claims 10, 12, 13, 14, 15, 16, 17, 18, and 26 in that he does not clearly disclose the formatting engine is located at a point of publication and the formatting engine broadcasts the publication profile to the network, and the publication profile includes an address of the agent.

Salisbury discloses the formatting engine is located at a point of publication (column 8, lines 3-7) and the formatting engine broadcasts the publication profile to the network, and the publication profile includes an address of the agent (column 12, line 66 to column 13, line 24 and column 17, lines 1-34).

With regard to claim 11, Klug discloses the point of publication is a computing system associated with the recipient (column 4, lines 32-38).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1 and 22 have been considered but are moot in view of the new ground(s) of rejection.

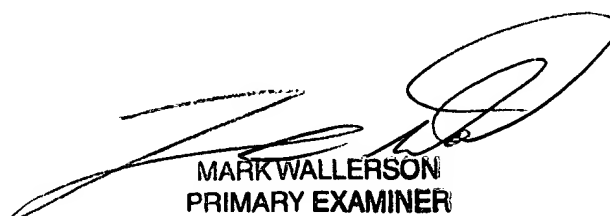
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (571) 272-7470. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson  
Primary Examiner  
Art Unit 2626



MARK WALLERSON  
PRIMARY EXAMINER